App F IX 4

Previous References Mul 42-44 (1980) (1947 48 Mul)

File No 41-44

Serial Nos 30-32

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 1 to 3

Part B for January

SUBJECT

Petition of Mr P.R. Nanjappa, Hunsur to set aside the election of Mr H.R. Mudaliar from the IV Block of Hunsur Town in the 1st-cent. elections

K 12664 & 20.1.48

Send to Mr P.R. Nanjappa, Hunsur

Please inform that Mr Mudaliar is not under any disqualification. The election is in order and that the returning officer is right in rejecting his petition.

L 9513
22/9/47

1875
L

URGENT

Petition dt 12-9-47 from Mr S.R Nanjappa Hunsur, ~~protesting against the~~ appealing against the orders of the Returning Officer, Hunsur ~~declaring~~ rejecting his petition protesting against the election of Mr H R T Rajagopala Mudaliar as a member of the Hunsur Town municipal Block No IV

1) The Hunsur Town municipal is to be reconstituted with effect from 1-10-47 — Papers have not yet been received

2) Submit with a memo on the Petn calling for a report from the Dy Commr, Mysore

Ukg
16/9

3) for orders if a report may be called for on the petition

A/

TYPING SECTION
19 SEP 1947
GOVT REV SECTT

Rev Secy
18/9

4) A may be done

5) Issue

19/9

NO L 9513 dt 22/9/47

~~Letter~~ Petn dt 1-10-47 from Mr S R Nanjappa, Hunsur pray for the early disposal of the case

6) Minutes of the Minister

JusA
25/9

~~1575 √ 1926~~

for Rev & Communications on the Petn

1575 √ 1926 √ 2216
2

cc Rev Secy

Please give a suitable reply

(Sd) J A G
4/10/47

7 Report called for has not been received

8 An endt stating that the matter is receiving attention is submitted for signature

UKS 8/10 Pr 8 10 47 — G D Swamy 8/10/47 — SUS A 10/10

L 10227
9/10/47

Letter no 53 C 1773/47-48 dy 20-10-47 forwarding a report on the matter

10 The report received from the Dy Commr Mysore st is submitted for perusal If approved, the Law section will also be consulted in regard to the applicability of Section 12 clause B sub section (b) of the Town Nuisances Act in the case of Mr. Rajagopal Mudaliar

UKS 5/11 Pr. 5/11

2216/Lab

11) The point raised by the Dec mayor with in his report is an interesting one. The opinion of the Law section may be obtained therein

New secy for 6/11/47

Law secy W/C

8/11/47

8/11

8/11

[illegible]

1) Section from Dhan appears to be some precedent which is only and C ch holding. Randy) St. approval the act will be requested to furnish all the opinions. ~~[illegible]~~ [illegible] reasons

13) Previous references may kindly be made available

Law Asst secy LSG W/C

10/11/47

12/11

14/11/47

[illegible]

A search was made to get at the references quoted by the Law section but in vain. The Law section will be requested to give some clue such as Dno etc., to trace the refer

21/11/47

P.T.O.

2216/L

2645/Law

15) All file 42-44 (79-80) relating to the election of Mr A V Krishnan as Pdt of the Nanjangud town mcpl is traced & put up

25/11

Under reg Law Branch

26/11/79

26/11

16) The facts of the case are explained in the P U D The point for consideration is whether r H R P udaliar, whose election has been duly notified by Government, is disqualified under Sec 12(B) of the Town Municipalities Act on the ground that he is a licensed plumber and therefore interested in any work done by order of a Municipal Council or in any contract or employment with or under or by or on behalf of a Municipal Council "

17 A person is disqualified for being a councillor if he has directly or indirectly by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the Municipality An interest in a contract must be a pecuniary or at least a material interest, but it need not be a pecuniary advantage (Vide 'Law of Municipal Corporations' by P D Iyengar, Page 45)

18 Kind reference is invited to the discussion and opinion in the file 1 42-44 (placed below) re election of Mr A V Krishnan as President of the Nanjangud Town Municipality It is seen, however, in that case that the water supply of the town was entrusted to the Sanitary Engineering Department and not managed by the Municipality Even in the present case, though the Municipality manages and controls the water supply, the bye-laws do not appear to establish a relationship of master and servant between the Municipality

26 G.S/Ca

Clark on of our HR T Rudalan — T/ch Hanson

and the licensed plumbers The bye-laws clearly lay down that the work of service connections must be got done through licensed plumbers or unicipal fitters It can ot be denied that there is a semblance of control over the licensed plumbers but it is necessary concomitant of the license not only in the case of the licensed plumbers but in the use of all other licenses

19) The purpose after all is to emphasize a great moral obligation to refrain from placing persons in relations which ordinarily excite a conflict between self-interest and integrity It is seen, however, from the report of the President that these preliminary objections were over-ruled by him as Returning Officer, that there was no pecuniary advantage at the time of election and that the unicipal Councillor was duly elected and that the election cannot be questioned in the present mode

20) So far as interest as such is concerned, public life will come to a standstill if any interest or relationship should be totally avoided It is after all a question of degree In the circumstances, there does not appear to be any disqualification in the present case owever, as suggested by the Deputy Commissioner, the Advocate-General may be consulted

27/9/11

28/11

ROO 162 (29-11-47 Law Secy)

11) Forwarded with compliments to the Advocate General with request for opinion on

Secy 29/11

29/11

MKW 29.11.47

Foo 320/47-48 By 29-11-47

By order, for attention of Secy to Govt Law Dept

2645

A licensed plumber is not every time employed by his municipality. The question of disqualification may arise only when he is employed by his municipality. Private parties engage his plumber and simply because he has a licence it cannot be said that he has an interest in any municipal work.

No. 520 of the choice of the plumber lies with the municipality, then the question of disqualification may require serious consideration. The municipality wants a person to get some work done and the choice lies with that person although his choice must be made from among licensed plumbers. It may amount to a disqualification if the plumber is entrusted with municipal work.

There is no disqualification, and the returning officer was right in my opinion in holding to that effect.

Eg Etheridge
AG

Law Secy)

Asst Secy L.S.G.
vice)

The views of the Advocate General will be communicated to the D.C.

Rev Secy for agree

THE MINISTER FOR LOCAL SELF GOVERNMENT
No. 723
Date 9 1

ML 41-47 2216

Mr KR

Legal opinion with letter accepts for 9/1/48

Sent with an eight for appl

10/1 10-1-48

Issue for 10/1/48

1 2 cell 3

U 32 To Mr S Rangappa
Pleader, Hunsur

No L 12664 dt 20-1-48

Informs that Mudalvar is not under any disqualification, that the election is in order & that the Returning Officer is right in rejecting his petn

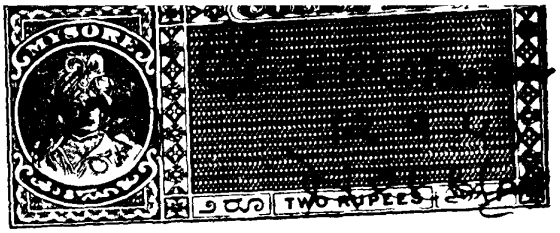
To The Dy Commr Mysore dt

No L 12665 dt 20-1-48

Forwards a copy of the above

26/1

OFFICE OF THE MINISTER FOR REVENUE
No 1110
Date 15/9/47



To

The Minister in charge of
Town Municipalities in Mysore,
BANGALORE

Petitioner:- S R Nanjappa,
HUNSUR (Mysore District)

Respondent:- Mr H R T Rajagopala Mudaliar, Hunsur,
Mysore District

REV & REV SECRETARIAT
16 SEP 1947

The petitioner begs to state as follows:-

1 That the election of the Councillors of the Hunsur Town Municipality was held on 5-9-47 and the respondent is one of the candidates declared as elected for Block No IV of the said Town

2 That the petitioner, respondent and three others submitted their nomination papers to the Returning Officer on the due date for candidature to the Municipal Council to Block No IV only

3 That the petitioner filed his objection in writing in the prescribed time to the Returning Officer regarding the candidature of the Respondent on the ground of his disability to stand as a candidate under Sec 12 Cl B Sub-clause (b) of the Town Municipal Regulation

4 That the Returning Officer disallowed the objection and allowed the respondent to stand as a candidate to the election (copy of the order is herewith produced) and the respondent is declared as elected on 5-9-47

5 That the respondent while stating his reply to the petitioner's objection statement has, as a matter of fact conceded to all the allegations of the objection petition and thereby admits his disability to stand as a candidate for the Municipal Election

6 That the Returning Officer ~~xxxxfurther~~ is not correct while he states in his order that he gave an opportunity to the petitioner to produce records and the same was not furnished

7 That the Returning Officer has further stated in his order that he looked to the connected records which is also not true

8 That the order of the Returning Officer is opposed to the very principles of law and facts of the matter in dispute and as such is liable to be revised

9 That the Returning Officer is guided away by the mere fact of the Respondent's position i e , the President of the Municipality and his reasoning is absolutely one sided and incorrect

10 That for the reasons stated above and detailed below, the petitioner most humbly prays -

(a) That a detailed necessary open enquiry be held in the matter

(b) That till then, the result of election of the Respondent only in Block No IV be withheld without being declared by the Government and also without being published in the Gazette

(c) That the Respondent be declared as disqualified under Sec 12 Cl B SubClcause (b) of the Town Municipal Regulation

(d) That the Respondent's seat in Block No IV of the Hunsur Town Municipality be declared as vacant

(e) That the election of the Respondent in Block No IV

of the Hunsur Town Municipality be ~~declared~~ set aside and "Bye-election" directed to be held ~~in~~ for that seat

Reasons for disqualifications are -

A) The respondent is the manager of the undivided family of himself and his sons He is the only one licensed plumber of the Hunsur Town Municipality and the license of the respondent is renewed every year after payment of the prescribed charges The Respondent's license for the year 1947-48 is renewed and even now he continues to be the Plumbing Contractor No other plumber can lay out any public taps or have any private contract, without the prescribed license and approval of the Municipality

(B) The Municipality is the sole controlling authority to grant the Plumbing License and the said license is granted subject to certain conditions and liable to be cancelled for ~~violating~~ violating any of the conditions The Plumber, though he is a license holder cannot execute any work without the approval of the Municipality It will not be out of place to mention here, that the respondent has not maintained any staff for that purpose and if only his accounts and Bills are directed to be produced, the matter becomes more clear Thus as between the respondent and the Municipality, there is the clear relationship of employee and employer

(C) Section 122 of the Town Municipal Regulations reads thus:-

" Thw water supply Department or the Municipal Council as the case may be in whom the duty of construction and maintenance of water works for supply of water to the

Municipality vest, shall have the same powers and be subject to the same restrictions for carfying, renewing and repairing water mains, pipes, and ducts within or without the Municipality etc " The Municipality has to accord sanction to lay out taps subject to the plan and other sanitary conditions If the Municipality puts any new public taps, it has to approach only the licensed plumber who in the present case will be no other person than the Councillor himself The Councillor i e , the respondent prepares his own plan and estimate and will naturally be interested in getting it approved in the Council by inducing his co-councillors The same thing happens when private tap connections are applied for There is full scope to disregard the sanitary and other conditions in the self interest of the plumber who will sit as a Councillor The respondent will be under the direct obligation of the Municipal Council and he is also directly and indirectly interested in the work done by or under the orders of a Municipal Council There is full scope for the misuse of the services of the Municipal employees and also pecuniary loss to the Municipality

(D) Section 12 B, sub clause (b) of the Town Municipal Regulation reads thus -

"No person may be a Councillor who, save as herein after provided has directly or indirectly by himself or his partner any share or interest in any work done by order of a Municipal Council and the last para in Section 12 Cl (1) page 11 of The Town Municipal Regulation reads " If any person is elected or nominated as a Councillor in contravention of the above provision, his seat shall be deemed to be vacant "

The exceptions referred to in Sub-Clause (1) to (VI) in the said section do not apply to the respondents case and as such he cannot claim any exemption thereunder ~~xxx~~ As stated above the respondent has the disqualification to stand as a candidate for the Municipal Election and his election cannot be upheld In consequence thereof, his seat in Block No IV should be deemed as vacant and Bye-election ordered

S R Nanjapa
petitioner
12 9 47

Memo No L 9513 dt 22/9/47

Forwarded with Compliments to the Deputy Commissioner, Mysore District for a report at an early date. The petition and its enclosures may be kindly returned with the report

for order

Recd 26/9/47

OFFICE OF THE DEPUTY COMMISSIONER
No. 5394
24 SEP 1947
MYSORE DISTRICT

Mysore Bangalore
Secy to Govt
Ur Rev Dept

Records the petr has sent a copy of this already on which it was ordered that he sds he endorsed stating that the petr should appeal with a copy of order passed by the Returning Officer - the petition endorsed accdly

Sent for kind perusal of the copy of Returning Officer's order enclosed (Received with the above Memo from the Tlkr Secy)

Sd/
[illegible]

Urgent

No D3-41 1575-47- Sec

Memo

Forwarded to the President S.H.C. Hussain for a detailed report on the points raised with relevant documents in support of the statement wherever necessary. Copy of the Returning officer's order is also enclosed. Both the petitions and the order should be returned along with the report very early.

for Deputy Secretary

Recd Pub 1-10-67

1-10-67

2 Sri S R Nanjappa Vs Sri H R T Rajagopala Mudaliar

Heard both parties - The objections of Sri Nanjappa Candidate for Block No 4 against the Candidature of Sri H R T Rajagopala Mudaliar are to the following effect -

1) That the Candidate and his sons are members of a joint family of whom the Candidate is the Manager and the Candidate is a licensed plumber and in that capacity he is giving house connections for water supply to private houses such as are mentioned in the petition in the Certificate to be issued by the President and wife therefore as Municipal Councillor have interest directly or indirectly through his partner in the work to be done by order of the Municipal Council etc He has quoted 3 or 4 private connections that the Candidate has given

2) That he is getting his plumber's license renewed every year by paying the license fee to the Municipality for

COURT FEE EIGHT ANNAS
HUNSUR MUNICIPAL COUNCIL

These reasons, the objecting Candidate says that he must be deemed to have interest in the Work done by or on behalf of the Municipality

Mr Rajagopala Mudaliar was also heard He made a reply as follows to the objections

1) That he has not accepted any Contract with the Municipal Council for Work done by or on behalf of the Council and has not received any amount from the Municipality for work done, but as a licensed plumber he has given house connections to some private people according to Contracts between them in accordance with the Water Supply bye-laws and that he has no manner of interest with the Municipal Council in his Connection

2) And that he has not taken any Contracts from the Council for providing public taps and has not received any bills from the Municipality for Work done

3) That he is a Standing Councillor for the last 25 years and the non-Official President of the Municipality for the last 3 years and that no objection has been raised by the Municipal Councillors

though the petitioner was himself in the Council along with him

4) That he is a licensed plumber for the last 10 years

I have read the Rules (Sec 12 (B) Cl (b) and the proviso carefully and heard both the parties as stated above

1 The Section is not mandatory and does not apply to Candidature

2 Mr Rajagopala Mudaliar has not applied for or accepted any Contract with the Municipal Council as plumber in his behalf The petitioner has not produced any records to prove his objection though he was given an opportunity I have seen the relevant records and have not found any records in support of the petitioner's objection He cannot therefore be deemed to have incurred the disqualification within the meaning of Sec 12 (B) Cl (b) of proviso (c)

I consider that his being a licensed plumber cannot be a disqualification for Candidature under Rule 12 of Election Rules

3) Mr Rajagopala Mudaliar is a

MS

Sitting Councillor for the last 8 Constitutions and the Counter petitioner Mr S R Venkatappa who was in the Council could have brought this objection before this Council and moved for his being unseated long back under the last clause of the Proviso which is mandatory No such action is taken

In the above circumstances, I hold that the objection of Mr S R Venkatappa is untenable and the petition is therefore rejected

(Sd) B S Krishnappa
Amildar & Returning Officer

23 8 1947
3 PM

Date of Copy application 27 8 1947
— do — Ready 28 8 1947
— do — delivered 10-9 47
No of words 599
Copying fees 0-12-0
Comparing fees 0-6-0
Copied by [illegible]
Compared by KU Dasappa
Copy
B S Krishna
Amildar & Returning Officer
Hunsur Taluk
5-9-47

MUNICIPAL COUNCIL HUNSUR

GEN & PUBL SECTT RIAT
6 OCT 19
LSG BRANCH

D 1307 A
5/10/94

To.
The Minister
in charge of
Town Municipalities in Mysore
Bangalore

Mr Kyks (Pty)
6/10/94

Petitioner
SR Nanjappa
pleader
Hunsur P.O
Mysore

Rev Sy
Please give a note
4/10/94
4/10

Respected Sir,

I, The petitioner submitted a petition on 13 9 47 which has been duly received in your office on 15 9 47, ~~requesting~~ challenging the election of Sri H R T Rajagopal to Block No IV of the Hunsur Town Municipality

I regret I have not received any information from your office either for acknowledging the petition or for the further steps taken regarding the enquiry

Since it is a very important matter, I appeal to your Honour, to kindly intimate to me the date, place & the officer before whom the matter will be enquired into, so that I may be enabled to be present during that time to place all the materials in anticipation of an early reply

I beg to remain Sir
Your
SR Nanjappa
Pleader

1 10 47

2745
2

Petn dt 8-11-45 from Mr S.R. Nanjappa, Hunsur requesting that a byeelection may be held in place of Mr H.R.T. Rajagopala Mudaliar against whose election he has filed an election petition.

The file containing the objec Petn filed by Mr S.R. Nanjappa against the election of Mr H.R.T. Rajagopala Mudaliar has been sent to the Law Section for opinion. As its return will be awaited

MKB 29/11 Submitted for orders

29/11 P.

29/11/47 Pl note the order on which it was sent to the Law Dept

29/11/47

Submitted

This was sent to the Law Branch on 26/11/47 with D.O. No. 221 after knitting up certain references required by the Law Dept

MKB 29/11

P. 2/11/47

Pl keep this in view & remind the Law Dept

5/12/47, 4/12/47

2

Law 2745/2

Inter the main file has not been received from the Law Branch

This will be sent to the Law Br with a request to send the main file immediately

6/12

For favour of compliance

Under sig Law Branch

8/12/87

for 10/12

File put up

Sd,

12/12

CM 12/12

No 78

Reference No 10227
9-10-47

REV & REV DEPTT
2745
28 NOV 1947
L S G BRANCH

10 11 47

శ్రీ మహారాజ సంస్థానదస్థళీయ సంస్థాన
కళావంస్వనచిత్రవర్గ
శ్రీ మహారాజ తిరుమల దేవస్థానమువారు చెన్న
పట్టణమందు ఏడి ఆరి సంవత్సరము
మాఘ శుద్ధ పౌర్ణమి నాడు జరుపుదలచి
యున్నారు కనుక ఆ పండుగకు సంబంధించిన
కార్యక్రమములు నిర్వహించుటకు ఈ క్రింద
పేర్కొనబడిన వివరములు గల ఒక
కళాకారుని పంపగోరుచున్నాము.

ఇదివరకు మహారాజ చెన్నపట్టణ నివాసి
వారు తేదీ 5-9-47 రోజున నడిపిన ఫిల్మ్ పోటీ
అనర్హత తెలుపుచూ ఈ మీదు వారు
ఈ మీదు వారికి అడగ శీఘ్రముగా
(objections regarding the qualification
of the candidate) తగిన రుజువులతో
తెలుపగలరని కోరుచున్నాము
(as per calendar of events) చెన్నపట్టణ
ఉత్సవాలు నిర్వహించి ప్రతిష్ఠ దిద్దినట్లు
అంచనా వేయుటకు వీలవుతుందా కాదా
వర్ణించి వ్రాయగలరు ఈ విధముగా
వర్ణించి వ్రాయుటకు ఈ కార్యక్రమం అంతా
శ్రీ మహారాజ తిరుమల దేవస్థానం వారు
పంపగలరని ఆశించుచున్నాము

RC
18/11/47
Rev. Secty

శ్రీ 12 cl B Selame (b & c)
(లేదా 12 cl B Subel b & c)

೧೯೯೮ ಅನಂತರದಿಂದ ವಿಚಾರಣೆಯಿಂದ ಹೊಂದಿದ ಅಭಿಪ್ರಾಯವನ್ನು ಅವುಗಳಿಗೆ ಅನುಗುಣವಾಗಿ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಲಾಯಿತು

ಅಂತಿಮ ಆಕ್ಷೇಪಣೆಗಳವರೆಗೆ ಮುದಲು ಯಾರೆಂದರೆ ವಿಚಾರಣಾ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಪಾಲ್ಗೊಂಡಿದ್ದ ಅಂತಿಮ ವರ್ಷದ ಪದವಿ ವಿದ್ಯಾರ್ಥಿಗಳು ಅವರ ಹೆಸರುಗಳು ಹೇಗೆಂದರೆ ಶ್ರೀಮತಿ ಸುಷ್ಮಾ ಕೆ ಹಾಗೂ ಶ್ರೀ ಪ್ರದೀಪ್ ಕುಮಾರ್ ಎಂ ಎಂಬವರು ಇವರು ಸಲ್ಲಿಸಿದ ಆಕ್ಷೇಪಣೆಗಳು ಅನಂತರದಿಂದ ಅವರನ್ನು ವಿಚಾರಣೆ ಮಾಡಲಾಗಿದೆ

ಅಂತಿಮ ಆಕ್ಷೇಪಣೆಗಳಲ್ಲಿ ಮೇಲ್ಕಂಡ ಸಲ್ಲಿಸಿದವರಿಂದ ಸಮಸ್ಯೆಗಳು ಹೇಗೆಂದರೆ ಸ್ಕ್ರೀನಿಂಗ್ ಟೆಸ್ಟ್ ಮಾಡಿದ ಮೇಲೆ ಮುಖಾಮುಖಿ ಸಂದರ್ಶನಕ್ಕೆ ಆಯ್ಕೆಯಾದ ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯನ್ನು ಪ್ರಕಟಿಸಿದರು

ಸಂಸ್ಥೆಯವತಿಯಿಂದ ನಡೆದು 4ನೇ ಪ್ರಶ್ನೆಯಾಗಿ ಅಭಿಪ್ರಾಯಗಳು ಮುದಲು ಯಾರು ಹೇಳಿದರು ಅಂದರೆ ಪದವಿಯವರು ಪ್ರಥಮ ಸಲ ಅನಂತರ ಹೇಳಿದವರು ಎಲೆಕ್ಟ್ರಿಕಲ್ ಆಸಿಸ್ಟೆಂಟ್ ಪದವಿಯವರು ಎಲೆಕ್ಟ್ರಿಕಲ್ ಬೋಧಕರ್ಮಾಧ್ಯಕ್ಷರಿಂದ ಅವರನ್ನು ಮೂಲಭೂತ

ನಾಂ ಹುದ್ದೆಗಳಿಗೆ ಚುನಾವಣೆ ನಡೆದು ಹುದ್ದೆಗಳನ್ನು
ಖಾಲಿ ಇರುವುದಿಲ್ಲವೆಂದು ಹುದ್ದೆಗಳ
ಕೆ under Sn 12 cl B last hara in
Sub cl VI) ನಾನು ಹಿಂದಿನ ಮಂತ್ರಿಮಂಡಲದಲ್ಲಿ
ರಿ ಚೆಲ್ಲಿಂಗಿ ಆಳ್ವಿಕೆ ಸರವರ ಅರ್ಥಾತ್ ಹಿಂದಿ
ಯಿಂದ ಆಯ್ಕೆ ಅಭ್ಯರ್ಥಿ ಮಾಡಿದೆನು ಮತ್ತು
ಅಭ್ಯರ್ಥಿ ಹಿಂದಿ ಯನ್ನು ಸಮ್ಮತಿ ಕೃಷಿಕರಿಸಿ
ಸರವರ ಆಳ್ವಿಕೆ ಸಿಸಿಪಡಿಸಿದೆನು

ನಾನು ತಿಳಿಸ್ಸ ಆಗಿ ಜ್ಞಾಪನಪತ್ರದ
ಹಿಂದಲ್ಲಿ ಚುನಾವಣೆ ಮುಕ್ತಾಯ ತಿಳಿಸ್ಸಿ ಕ್ರಿಯೆ
ಯನ್ನು ಸರವರ ಆಳ್ವಿಕೆ ಸಿಂದ ನಾನು ಹೊಸ್ತಿರುವ
ಅಭ್ಯರ್ಥಿ ಕರಿಸಿಲಾಗಿದೆ ಯನ್ನುವುದು ದಿನಾಂಕ 13 9 47
ರಲ್ಲಿ ಹೊರಡಿಸಿದೆ ಅಲ್ಲಿ

ಕೂಡಿಸಿ ನನ್ನ ಅಭ್ಯರ್ಥಿ ಮಾಡಿ ಅಭ್ಯರ್ಥಿಗಳಾಗಿ
ಸ್ಥಾಪಿಸಿದ್ದಲ್ಲಿ ಮುಕ್ತಾಯಗೊಂಡು ದುನ್ನತಿಳಿಸುವಲ್ಲಿ
ಯಂದಿರುವುದಿಲ್ಲ

ನಾನು 13-9-47 ರಲ್ಲಿ ಹೊಸ್ತಿರುವ
ಅಭ್ಯರ್ಥಿಯನ್ನು ವಿಶೇಷವಾಗಿ ಸಿಲುವಲ್ಲಿ
ರುವುದಕ್ಕೆ Bye election (4 ಸೀಟ್ಗಳಿಗೆ ಚುನಾವಣೆ
ಸೀಟು ಸೀಮಾಂತ್ರ) ಆಗಿರುವುದಲ್ಲಿ ವಿರುದ್ಧವಾಗಿ

ಸರ್ವಾಳ್ವಿಕೆ ಸಿಂದ ಹೀಗಿರುವ
ಇತ್ತೀಚೆಗೆ ನನಗೆ ಮಂತ್ರಿಸ್ಥಾನ ಸಿಕ್ಕಿದ್ದಲ್ಲಿ
ಮೇಲಿನ ಭಾಗದಂತೆ ಆಳ್ವಿಕೆಯಿಂದ ಸಾಗಲು
ಸಿದ್ಧನಿರುತ್ತೇನೆ

ವಿಶ್ವಾಸದಿಂದ ತಮ್ಮವನು

శ్రీ క్షీరగిరి హిందీ లిట్రేచర్ వారికి

రాష్ట్రపతి నిలయం

ఢిల్లీ ఆరు సంవత్సరాల

క్రితం

ప్రణామములు

శ్రీనివాసులు అయ్యంగారు

తేది 8 11 47

3861 √ 3918 √ 4150

Petns dy 6-12-47 & 21-12-47 from Mr
S Rangappa Hunsur,
Protesting against the election
of Mr HR T Rajagopala Iyer
to the Hunsur Town mcl.

An enqt in this behalf to the
Petitioners under issue
No action appears to be
necessary on this
If appd, this will be filed

VKS
12/1

Yes
L
17/1/48

Another Petn since
received co also put up
VKS 19/1 19/1/48
This may be filed also as the
Enqt is under issue

Please place
this in the connected
main file in which
an enquiry is
under issue

L
20/1/48

OFFICE OF THE DIRECTOR LOCAL SELF GOVERNMENT
No .....
Date 7a

Hunsur
21 12 47

The Minister
in charge of Town Municipalities
in Mysore
Bangalore

Rev Seg wd
OR
23/12/47

3861
S G BRANCH

From

SR Nanjappa
Pleader
Hunsur P O
Mysore Dist

Reference No:-
L 10227

Subject-matter: Petition pending in the office since 13 9 47 seeking to set aside the election of the H R T Rajegowda and illegal nomination of the President Town Municipal

Respected Sir

I the undersigned submitted an application on 13 9 47 to the then Minister in charge to set aside the election of the H R T Rajegowda and order Bye election to block No IV under Subcl (b) of the Town Municipal Regulation. The enquiry is mandatory i.e. If any person who has been referred to in Sec 12 B Sub cl (b) even if he is elected

or nominated as a Councillor in contravention of the provision "his seat shall be deemed to be vacant" and as a consequence thereof, fresh election for that seat has to be held

I have not been able to know in what stage my petition stands I made a personal representation to your Honour, when you were pleased to visit this place on 7 12 47 & also I have sent several reminders It hurts me very much to write that I am left in utter darkness.

I appeal to you most humbly, to let me know in what stage my petition stands & expedite the matter and has final order at your Honours earliest convenience & anticipation

Yours obedy
SR Nayaffha

Reference
L No 10 227

144

3918/M
8 JAN 1948
L & G BRANCH

Urgent

To,
The Minister
in charge of Town Municipalities
in Mysore
Bangalore

REVENUE SECRETARIAT
No I 611
TOWN PLANNING

Petitioner
SR Nanjappa
Pleader
Hunsur
Mysore

Rec'd
18/12/47

The petitioner begs to state as follows:

1) The petitioner submitted on 12 9 47 to the Minister in charge of Town Municipalities, a petition (with a copy of the order of the R.D. ... officer) stating the grounds of disqualification by the HRT Rajasthal Mudhar to continue as a councillor, also praying to set aside the election and order "Bye election" to ward No 1 of Hunsur Town Municipality (under Sec 12 ...)

2) The petitioner sent two reminders on 8 11 47

and also on 19 $\frac{11}{47}$ just to know in what stage his petition stands. It is curious that the petitioner has not so far received any reply

3) Therefore the petitioner most humbly prays that the matter may be expedited early and a reply is sent to the petitioner immediately after the receipt of this petition at least

Humbly
6 12 47

SR Nampalla
Petitioner

urgent

To

The Minister
in charge of Town
Municipalities
in Mysore -
Bangalore

C. C. OF
THE MINISTER FOR
LOCAL SELF GOVERNMENT
No 633
Date 16/1

4150
19 JAN 1948
L S G BRANCH

Petitioner -
SR Nanjaiha
Pleader
Hunsur
Mysore Dist

15/1/48
Rev Secy

17/1

The petitioner begs to state as follows regarding his petition submitted to your Honours praying to set aside the election of Mr H R T Rajagopal Mudhar and ordering a Bye election to the IV Block of the Town Municipality Reference No 10227 —

communicate the petitioner
R
15/1/48
for XXX
17/1/48

1) The petitioner learns that his petition was referred to the advocate General for his opinion, who in turn has recommended that the petitioner should seek his remedy in a court of law

2) That, if the opinion of the advocate General is as stated ...

the petitioner has no option but to come to the conclusion, that the advocate General has not applied his mind to the clear provisions of the Law or he has not in the least understood the full scope of the provision of Hemathas Regn

3) That the petitioner begs to submit that the said opinion is nothing but misleading, misinterpretation of the Law and also quite incorrect

4) That the only pointed consideration is, whether Mr H. R T Raghavendra is eligible to stand as a candidate for the election, and if he is not qualified, what is the effect of election of a disqualified candidate. As detailed in his petition dated 13 9/47, Mr H R T Raghavendra is disqualified to stand as a candidate for election Sec 12 B Sub clause (b) of the Town Municipal Regn

The Hunsur water works is under the direct control of the Hunsur Town Municipality The powers and duties of the municipality regarding the supply of water is detailed in Sec 122 of the Regn. The Respondent is

a licensed plumber, working as per directions and instructions from the Municipality, so to say, he is an employee of the Municipality He is interested directly and also indirectly in the work done or carried on by or under the direction of the Municipality Such being the case, there is the clear disqualification to stand as a candidate as contemplated under Sn 12 B Sub (b)

5) That when such a disqualified candidate is elected & when such disqualification is brought to the notice of the Government, even after election, his seat shall be deemed to be vacant Last para in Sn 12 cl (1) of the Town Mc Act reads thus. If any person is elected or nominated as a councillor in contravention of the provision of Sn 12 B Sub-cl (b), his seat shall be deemed as vacant In the present case, there is no other option but to hold that the seat of the Respondent in block No IV is vacant & order "Bye election"

6) That the petitioner begs to submit that the aggrieved party would also

to set aside election on the ground of corrupt practice, has to approach the Court and the Govt cannot interfere then But this is not such a case

7) That the matter involved is a very important point & pertains a point of correct appreciation of the provisions of Law, the petitioner most humbly prays that he may be heard in the presence of the Advocate General and then final orders are passed on the petition

8) That the petitioner is very anxiously awaiting an early reply from your Honour

Humbly
12/1/89

SR. Nanjappa
Pleader

2216/ml/47

ML 41-47-31

E/one file.
No D3 C 1773 of 47-48.

OFFICE OF THE DEPUTY COMMISSIONER,
Mysore District,
Mysore dated the 20th October, 1947

From

G N NAGARAJA RAO, Esq , M Sc ,
Deputy Commissioner, Mysore District,
MYSORE

To

SYED ABDUL ALEEM, Esq , B A ,
Secretary to Government, Revenue Department,
BANGALORE

Sir,

Petition dated 12-9-1947, from Mr S R Nanjappa, Hunsur, addressed to the Minister in charge of Town Municipalities to set aside the election of Mr H R T Mudaliar from the IV Block of Hunsur Town in the recent General Elections

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With reference to your Memo No L 9513 dated the 22nd September, 1947, forwading for report, the above petition, I have the honour to forward herewith a detailed report No H.C 90 of 46 dated the 8th October, 1947, received from the President, Town Municipal Council, Hunsur, together with the said petition and the connected references and to state as follows:

Mr H R T Mudaliar whose election as a Municipal Councillor, has been notified in Government Notification No L 993/Ml 41-47-15 dated the 30th September, 1947, has been a standing Municipal Councillor fr the past 20 to 25 years and he is also a licensed plumber of the Municipality for over 10 years, his licenses being got renewed by the Municipality every year

It is seen from the report and the copy of water supply laws enclosed, that the water supply section of the Municipality is administered by the Municipality and that applications for house connections are subject to their sanction Vide Bye-laws 8, 11, 11(a) etc , and under Bye-law 26, Service pipes to private properties are to be laid by plumbers only license

licensed by the Municipal Council on approved plans and specifications under conditions and rules sanctioned by the Municipal Council These provisions make clear that the licensed plumber as Mr Rajagopala Mudaliar , is, subject to the disciplinary contract of the Council

The Main contention of Mr S R Nagappa is that as licensed plumber of the municipal council and also as a municipal councillor, Mr Mudalir will be under the direct obligation of the Municipal Council and he will also be directly or indirectly interested in the work done by or under the orders of the Municipal Council , and his relationship with the Municipality will thus be one of an employee and employer and therefore he is disqualified to stand as a candidate under Section 12 Sub Clause (b) of the Town Municipal Regulation But it is doubtful if Section 12 (b) applies in this case to prevent Mr. Rajagopala-Mudaliar from standing for Eelection Section 12 (b) states that no person who--------any share or interest in any work done by order of a Municipal Council or in any contract or employment with or under, or by or on behalf of a Municipal Council The point, for interpretation, is as to what is meant by the words 'in any work done by order of a Municipal Council', Can a Municipal Councillor constructing a Private house or laying water line to a house licensed by the Municipal Council doing work under the orders of the Municipal Council? It is certainly not so He does work under the orders of the owner of the house and not of the Municipal Council Is a person who is subject to disciplinary control of the Municipal council unfit to be a member of the Municipal council? There is no law to that effect As a matter of fact, all the residents of a Municipality if they commit misdemeanour against the Municipal Laws, are subject to disciplinary control of the Municipality They are not disqualified from standing for

~~licensed~~ standing for election, Nor can Mr Rajagopala Mudaliar be said to be a servant of the Municipality If Mr Nanjappa's contention is accepted no hotel keeper or person who holds any license issued by the Municipality can be a member of the Municipal Council But the law is different I think, the petition of Mr Nanjappa has to be rejected If deemed necessary, the Government Advocate may kindly be consulted in the matter

In the above circumstances, I submit the entire records for such orders as Government may deem fit to pass in the matter

I have the honour to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER,
Mysore District

20/5/47

T3/

L 12664 / ML 41-47-32

Error granted 20/1/48

To,

Mr S R Nanjappa pleader

Pleader, Hunsur

With reference to his petition dated the 12th Sept 1947 appealing against the orders of the Returning Officer Hunsur, Town mcl, rejecting his petn protesting against the election of Mr H R Rajagopala Mudaliar, as a member of the Hunsur Town mcl, on the ground that he is a licensed plumber who may be entrusted with some work on behalf of the Municipality Mr Nanjappa is informed that the question was examined by the Govt in all its aspects and Govt feel considerable that L Mudaliar is not under any disqualification on his account, that the election of Mr Mudaliar is in order and that the Returning Officer was also right in rejecting his petition

By order

for secy to Govt

L 12665/R

Memo No L 20/1/48

Rev Secy

Copy of the above is forwarded with the

Compliments to the Dy Commr, Mysore &c
for information with reference to his
letter No D3 C 1773/47-48 dt 20 10 47
The records accompany

By order
for
Secy to Govt
Rev Deptt
10/1
10-1-48